PART XIV—PRIVILEGES.

(*A*) *Ráb.*

1. The cultivators must undoubtedly have "ráb" and it will be the duty of the Forest Officers to make arrangements accordingly. If a sufficiency of "ráb" cannot be obtained from grass and fallen leaves, &c., the cultivators must be allowed, under proper supervision, to cut it in a portion of the Government forests.

The Forest Officers must take every precaution to guard against the *abuse* of this necessary concession. Access to the reserves should be permitted in rotation, one portion at a time being entirely closed. The question of the exact proportion to be so closed should, Government think, be left for settlement by the Conservator in communication with the District Officers.

(G. R. No. 1482, dated 18th March 1879.)

2. The practice of ráb cutting is incompatible with the treatment of forests for other purposes; and every effort must be made to reduce it to the narrowest limits, by insisting that wherever ráb lands have been granted outside the limits of State forests, they should be treated rationally for the purpose for which they were ceded, probably as coppice with a short rotation. The Government of India would suggest that fresh forest lands over which no ráb rights exist should not, save under most exceptional circumstances, be made over to ráb-cutting. (G. I., R. & A., No. 816-F., dated 5th August 1889; *vide* G. R. No. 6731, dated 9th September 1889.)

(*B*) *Kumri or Dalhi.*

1. Kumri cultivation is only possible where there is jungle: it is not feasible on land bare of trees and brushwood. It would be a mockery to make over to the villagers asking for land on which to grow crops and from which to derive their means of subsistence an expanse of rocky soil incapable of producing anything in the form of grain.

It is a well-known fact that kumri cultivation cannot be successfully, or indeed at all, carried on on the flat plateaux of hills or on level ground. His Excellency the Governor in Council is not prepared to entertain favourably proposals which, while seemingly placing a considerable extent of land at the disposal of the villagers for their support, would in reality fail to ameliorate their condition or to enable them to earn even a precarious livelihood by the rude mode of cultivation which is the only form of agriculture they know and of which the poor lands of these wild ghát villages are capable.

(G.R. No. 1867, dated 30th March 1881.)

2. It is essential that the dalhi mode of cultivation should only be carried on under efficient supervision and control, and that the injury resulting from it to forests should as far as possible be minimised.

(G. R. No. 2782, dated 28th April 1882.)

3. The following rules are to be observed for regulating the assignment of land for kumri cultivation in districts in which that mode of cultivation is practised:—

(1) The period of fallow should never be less than ten years after cultivation for two.

(2) Personal inspection should annually be made both by the Collector and the Assistant Collector with a view to ascertaining that the prescribed limits of the kumri assignment in each case have not been exceeded.

(3) Kumri assignments should never be allowed within 100 yards of streams running as late as December, and on the upper third of the slopes of hills. This rule is to be attended to as far as possible, but it is not to be rigidly adhered to, as in many cases it will not be possible to obtain land for kumri without breaking through such an order.

Government do not consider it advisable to leave the duty of inspection entirely in the hands of native subordinates or the officers of the Forest Department. Personal inspection by the Collector need not be insisted upon. It will suffice if the inspection is performed by his Assistants. An Assistant Collector in charge of a táluka can without any material difficulty or inconvenience manage to inspect every season the kumri assignment in a few of the comparatively limited number of villages within his charge in which kumri cultivation is carried on. Forest Officers, who are generally on the spot throughout the whole year, should co-operate with the Revenue Officials in preventing any infringement of rules on the part of the cultivators. The assignments of land for kumri when once made must be regarded as final and at each kumri settlement it should be clearly and distinctly laid down that the settlement is final and that no further land can be granted. (G. R. No. 5319, dated 9th August 1882.)

4. It is most necessary, in the interests both of the public generally and of the inhabitants of the particular villages concerned, that the area of land in which dalhi is permissible should be restricted within the narrowest possible limits, and that every effort should be made to induce the villagers to take to permanent cultivation in lieu of having resort to a method of growing crops which is rapidly destroying all timber and vegetation and converting the hill sides into masses of bare and barren rock. A continuance of the system under which villagers take plots for dalhi here, there and wherever they might please, would in a very short time longer render any dalhi cultivation impracticable, as all vegetation would be irretrievably destroyed. (G. R. No. 7344, dated 20th October 1882.)

5. The plan of combining kumri cultivation, where it cannot be avoided, with the propagation of *hirda* or other useful trees meets with the approval of this Government and the Government of India.

Care should be taken that no reason is given to the kumri cutters to suppose that they have any right in the trees planted by them. (G. I., H. D., No. 360-F., dated 28th April 1882; *vide* G. Rs. Nos. 3354, dated 22nd May 1882, and 5506, dated 15th August 1882.)

6. Land is not to be given for kumri on the plantation system without security for a proper return. (G. R. No. 2527, dated 26th April 1887.)

(C) Grazing.

1. No rigid rules can be laid down on the subject of the disposal of grass and grazing, and much latitude must be allowed to the Revenue and Forest Officers in dealing with local circumstances, but it is possible to state some general principles as those approved by Government. These are that sale by auction is appropriate in the case of certain tracts, and that in other tracts to which cattle are admitted to graze by Government officers in charge, the fee system is generally preferable to farming, with the proviso that a farm may sometimes be admissible as more convenient to the villagers when the farm is taken by the Pátil on what may be called the village system and on behalf of the village community and not by a speculative outsider for his own profit.

(2). The fee system is distinctly preferable to the old grazing auction system.

(3). But though it is desirable that the fee system should be generally introduced and made applicable to all village cattle and ordinarily to the cattle of graziers, it does not follow that it should be introduced throughout the entire area of the Government forests. In, for instance, valuable kurans and forest grass lands where it has been customary to sell the grass or grazing by auction annually, and the proceeds of such sales are considerable, the adoption of the fee system now is undesirable. All that is required is that in each forest village a certain amount of forest land should be opened yearly for the grazing of the village cattle on payment of fees. The grass and grazing on the remainder of the forest land should then be disposed of by the Forest Department in the manner which may to the officers of that Department appear to be most expedient and profitable.

(4). The area of the land to be opened for grazing for the village cattle on the fee system will depend upon the number of cattle for which pasturage is required and on the quantity of grazing available for them in the village occupied and waste lands not included in forest, and what the area in each village should be is a matter which must be left for the determination of the local Land Revenue and Forest Officers in consultation. It is not necessary that the same lands should always be open to grazing. A system of opening to grazing different blocks or portions of the forest area in rotation has its manifest advantages.

(5). Whilst it is obvious that the absolute closure to grazing for a portion of the year of a part of the unclosed forest area must be beneficial to the growth and the improvement of grass, as well as of the superior classes of vegetation, it is also clear that it would be to inflict hardship on the inhabitants of forest villages to close entirely even for a limited period the entire area of the Government forest. Sufficient should be left open to provide for the immediate requirements of the village cattle, but there would appear to be no objection to the temporary closure of the remainder of the land open for grazing under the fee system; the result would be a larger and better supply of grass in the latter part of the rains and in the cold season.

(6). Where, as in the old reserved forest and such kurans and grass lands as were notified in 1879 and are in charge of the Forest Department, it has been customary to prohibit all grazing between 1st May and 15th September, no change in the system is now called for. It may be pointed out that the privilege allowed to inhabitants of forest villages of cutting grass in the Government forests does not admit of their cutting grass for sale, but only authorizes them to cut it for their own use, and care should be taken to see that the concession is not abused and is limited to the securing of a supply sufficient for the wants of the number of cattle to be fed.

(G. R. No. 6144, dated 31st July 1884.)

2. Except in the case of any really valuable grass kurans where it has been customary to sell the grass and grazing by auction, and they fetch a high price, the practice of annual auction should be discontinued. (G. R. No. 7167, dated 18th September 1885.)

3. In respect of valuable kurans, *i.e.*, of forest reserves set aside to meet the fodder and grazing wants of large centres of population, the former practice of selling the areas by auction and the orders concerning their disposal are not affected by the rules in Government Resolution No. 3595, dated 23rd May 1890. (G. R. No. 1379, and 23rd June 1890.)

4. The fact must be recognized that in some districts and in some forest tracts it is essential to provide a certain amount of grazing for a certain number of cattle in the Government forests. Where no grazing rights exist, where the privilege of grazing in the forests has not been enjoyed, and where there is a plentiful supply of grazing available outside the Government forests, either on occupied land or on unassessed waste, there is no need to allow of the pasturing of cattle inside the forests. Where on the other hand the interests of agriculture would seriously suffer and the welfare of the cultivators would be very prejudicially affected if all grazing in Government forests was strictly prohibited, there within certain defined limits and on certain fixed conditions grazing in the forests must be permitted. What should be those limits and what those condi-

tions, an efficient Collector who knows what the cultivators may in justice claim, what they can afford to pay, and what area can be opened to grazing without detriment to forest conservancy or injury to the future growth of grass and trees, can best determine in consultation with the local Forest Department Officer, a wide discretion being granted to the Commissioners. (G. R. No. 6303, dated 27th August 1889.)

5. It is the wish and intention of Government that grazing requirements shall be fully met from what are practically grazing grounds included in reserved forests. The best way to secure this is to direct that the grazing fees for both cattle and sheep shall be fixed by the Collector in consultation with the Divisional Forest Officer, the Commissioner deciding in cases of disagreement. These orders supersede previous orders on the same subject. The general policy of Government prescribing lenient treatment in dealing with matters of grazing, is laid down in paragraphs 2 to 5 of Government Resolution No. 650, dated 26th January 1891. (G. Rs. Nos. 5061, dated 24th July 1891, and 5341, dated 6th August 1891.)

6. There is no doubt but that the grazing of sheep in forest lands where the young tree growth has not attained to a height of several feet, must be to certain extent injurious to the trees, but the absolute prohibition of the grazing of sheep in all the forest area would probably ruin the sheep-farming industry. In tálukas, therefore, where sheep are bred or brought to graze, the forest should be worked on the block system, one compartment being absolutely closed in rotation for a definite specified period. Sheep should then not be allowed to enter the closed compartments, but may be permitted on payment of the prescribed fees to graze between September 15th and May 15th in the unclosed compartments. Where in the opinion of the Divisional Forest Officers the grazing of sheep can without risk of material injury to the forest growth be allowed in unclosed compartments between 15th May and 15th September, such grazing may be permitted in that season also. (G. R. No. 529, dated 19th January 1885.)

7. It is not necessary, however, to lay down absolutely that sheep are to be admitted to all unclosed areas between September 15th and May 15th. There is room for the exercise of judgment in this matter. But it is not one in which Government can pass detailed and specific orders. The general principle has been stated in Resolution No. 529, dated 19th January 1885. The Conservator may be able to point out cases where it is reasonable and expedient that exceptions should be made in the public interest. But in dealing with such cases it is fair that the sheep-breeding industry should be represented by the Collector and the practical measures which should be adopted will best be settled by the Revenue and Forest Officers in consultation.

Cases for exception will be those in which it is recognized that the admission of sheep to graze in a given area will cause injury to young trees or to grazing of cattle out of proportion to the benefit obtained by the sheep-graziers. (G. R. No. 3442, dated 29th April 1885.)

8. The question of dealing with goat and sheep-grazing, at any rate on State lands, and of confining it to areas where the least harm would result, should receive the practical consideration of Local Governments and Administrations. The grazing of these animals, especially of goats, is incompatible with rational forestry, or even with the preservation of the ordinary bushes and trees of the country; and the areas to be devoted to the growth of forests must be separated from those to be sacrificed to the pasture of browsing animals. The circumstances affecting the separation in question, however, vary so much in accordance with climatic conditions, that the question should be considered in each locality on its own merits, due weight being given, in each case, to the capabilities of the land, and to the advantages of sylvicultural treatment on the one hand and of pasture on the other. (G. I., R. & A., No. 21-F., dated 12th July 1889; *vide* G. R. No. 6487, dated 3rd September 1889.)

When for the proper reboisement of forest areas such a course is demanded, all sheep and goats should be absolutely excluded from those areas. Orders as to the areas thus to be closed to sheep and goats should be issued by the Collectors with the sanction of the Commissioners after consulting the Conservators of Forests. In cases where the Collector and the Conservator of Forests hold divergent views as to the areas so to be closed and are unable to come to an agreement, the question should be left with the Commissioner without reference to Government.

Wandering shepherds moving about from place to place with their flocks should be treated as professional graziers, and when their flocks are admitted to graze in the forests, special rules for the regulation of such grazing should be made and enforced, and a higher rate of fee than that levied for sheep, the property of local owners admitted into the forests of their own village, should be charged. (G. Rs. Nos. 6487, dated 3rd September 1889, and No. 8166, dated 26th October 1889.)

9. The following Circular (No. 2237, dated 30th June 1886) issued by the Commissioner in Sind for regulating the levy of grazing fees in forest areas in Sind was approved by Government with the proviso that the Revenue Officers must sanction the fees :—

"As the fees now levied for grazing in reserved forests are not found suitable for all such forest areas, especially for some situated at a distance from the river Indus, the Commissioner in Sind after consulting the Collectors, Deputy Commissioners and the Conservator of Forests in Sind, has fixed the following *maximum* and *minimum* rates as those to be levied in future :—

	Maximum.		Minimum.	
	Rates per month for			
	Full grown.	Young.		
Camels	4 annas each.	2 annas each.	4 annas each.	Young animals under 2 years free.
Buffaloes	3 „ „	1½ „ „	1 anna „	
Cows and Bullocks ...	1½ „ „	9 pies „	3 pies „	
Horses	1½ „ „	9 „ „	3 „ „	
Donkeys	1 annn „	6 „ „	3 „ „	
Sheep and Goats ...	3 pies „	Nil.	1 „ „	Lambs and kids six months old and under free.

2. Rates within the above may be fixed by the Conservator of Forests in communication with the Collectors and Deputy Commissioners, and such rates should then be published in the neighbourhood of the forest areas and levied.

3. Should, for any special reason, it be considered right by the Collector and Conservator of Forests that higher rates than those fixed above should be charged, a report should be made to the Commissioner in Sind, explaining details and recommending other rates, when orders will be issued by the Commissioner."

(G. R. No. 7277, dated 13th October 1886.)

10. The following revised rules for the regulation of grazing in Government forest areas in all the districts of the Presidency Proper, except in Kánara, have been issued for general guidance :—

I.—A forest block will henceforth be divided into two portions only, *viz.*, (1) "the open" and (2) "the closed."

II.—The term gáirán in connection with a reserved or protected forest will cease to apply.

III.—Grazing will be permitted *in the unclosed portion*, which will be open both to cattle allowed free grazing and to other cattle in respect of which payment has to be made for grazing.

IV.—Villages which have contributed gáirán to the formation of a forest block are to be allowed free grazing in the open forest of that forest block, *for all their agricultural cattle.*

V.—Villages which have contributed no gáirán to forests will pay fees for all their cattle admitted into the forests to graze.

VI.—The term "agricultural cattle" shall be held to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land.

VII.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they

would be liable for grazing, assuming that none of them could, under the privilege accorded, claim free grazing.

VIII.—The fees leviable *on agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule IV, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted, upon free permits, into *the portion* of the forest block.

IX.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can, *properly*, feed, without injury to—

(*a*) the cattle,
(*b*) the pasturage,
(*c*) the forest itself.

X.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block.

XI.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order:—

1. Cattle entitled to free grazing.
2. Other village cattle belonging to cultivators.
3. Cattle the property of resident professional graziers and others.
4. Outside cattle.

XII.—The fees to be levied upon village cattle belonging to cultivators shall be—

	Rs.	a.	p.
For every buffalo ...	0	8	0
For every cow, ox, horse, mule or donkey ...	0	4	0
Sucking animals ...	free.		
For every sheep... ...	0	1	0
For every goat	0	2	0

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of 1 goat to every 50 sheep.

Should the villagers prefer to pay a consolidated fee for grazing all their cattle (sheep and goats excepted), whether privileged or not, the Revenue Officers shall meet their wishes, subject to the sanction of the Commissioner of the Division, who will determine the proportionate reduction of the fees.

XIII.—Forest Officers in protective charge of forest blocks shall require the village officers to muster all the village cattle in the village, in

the early morning once a month, or oftener should the need arise, to compare the cattle census with the permits issued.

XIV.—Double the rate of fees prescribed in Rule XII shall be levied in the case of cattle the property of resident professional graziers and others.

XV.—The Forest Officers shall determine the rate of fees to be levied on outside cattle which shall not be lower than that for resident professional graziers and others.

XVI.—Village officers will issue permits and collect the fees in respect of—

(1) Cattle belonging to village cultivators subject to the payment of a fee, the permits for which shall be printed on *yellow* paper.

(2) Cattle of resident professional graziers and others, for which the permits shall be printed on *green* paper.

They will also issue the permits for free cattle: such permits shall be printed on *white* paper.

XVII.—Forest Officers will issue permits and collect the fees for outside cattle the permits for which shall be printed on *red* paper.

XVIII.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

Note.—The badge to be worn by the herdsmen will be a leathern belt with a brass buckle, which will be provided by the Forest Department.

XIX.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

XX.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal, or not, as to them may seem best.

XXI.—The following simple rules shall be printed on the back of each forest permit:—

(*a*) This permit must always be taken by the holder into the forest with his cattle.

(*b*) It must be shown on demand to any Village or Forest Officer.

(*c*) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(*d*) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(*e*) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

XXII.—Village officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former, a statement shall be framed showing—

(1) the name of the cultivator;

(2) the aggregate area of his holding or holdings;

(3) the number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings;

(4) The number of wells or Persian wheels on his lands used for irrigation;

(5) the number of cattle solely employed on these wells or Persian wheels.

XXIII.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings.

(G. R. No. 3595, dated 23rd May 1890.)

11. In Kánara grazing should be allowed over all protected forest excepting in such portions as may be closed from time to time by the Forest Officers, with the proviso that in small villages or areas more forest should not be closed at one time than would leave grazing open at the rate of 3 acres per head of cattle. A uniform fee of 2 annas per head should be levied on all cattle, whether plough bullocks or other animals, which are grazed in the forests, belonging to villagers resident in the district not being professional graziers. For cattle belonging to professional graziers, whether resident in Kánara or not, and those the property of persons not residing in the district but bringing their cattle there to graze, a uniform fee of one rupee per head should be levied. (G. Rs. Nos. 3595, dated 23rd May 1890, and 5652, dated 13th August 1890.)

12. If a person who holds land for cultivation in a forest village, but does not himself reside therein, has any cattle in the village which are employed to plough or to draw water for the irrigation of his land in the village, those cattle are entitled to free grazing in the forest block of that village. No other cattle belonging to him are entitled to the privilege. (G. R. No. 3617, dated 26th May 1890.)

13. Having regard to the extent and nature of the forests in Thána and the rainfall in that district, there is no objection to the privilege of free grazing being extended in that Collectorate to milch cattle and their calves, being the property of cultivators resident in forest villages, other than professional breeders and graziers, subject to the conditions specified in the grazing rules sanctioned by Government Resolution No. 3595, dated 23rd May 1890. (G. R. No. 5316, dated 29th July 1890.)

14. To admit to free grazing all the plough cattle or the animals entered as such in columns 20

and 21 of Village Form No. 13 would very possibly be to grant that privilege to a number of animals materially in excess of the number for which it could properly be claimed, even if bullocks used in the season for ploughing and drawing water and in the cultivator's idle months employed to draw carts on hire are deemed "agricultural cattle" and entitled to free grazing. It is notorious that in every village many old, worn-out, or useless bullocks are kept which are of no service to their owners and are not employed by them for any purpose but which they simply keep until they die of old age, disease, or starvation, leaving them to forage for themselves with the cows, calves and other village cattle and never stall-feeding them or providing them with food. The returns in Form V given in the Annual Reports of the Agricultural Department show that these useless animals must be included in columns 2 and 3 of those returns, which correspond with columns 20 and 21 of Village Form No. 13, as cattle actually used for plough work. The numbers given in columns 6 and 7 of those returns, which correspond with columns 24 and 25 of Village Form No. 13, are altogether insignificant when compared with the total numbers either of plough cattle, or of "all cattle," and clearly cannot include the old or worthless cattle. In the circumstances it is impossible to accept the proposal as it certainly is not desirable that free grazing should be provided for these useless animals as would be the case were they comprised under the head "plough cattle."

15. It is not seen why for the purposes of determining the number of agricultural cattle to be allowed free grazing there should be any insuperable, or indeed any serious, difficulty in ascertaining accurately for each village the number of cattle actually used for agricultural purposes, *i.e.*, for ploughing and drawing water. Such returns should be prepared for each village by the village officers, should then be checked by, first, the Mámlatdár and then the Assistant Collector, who would finally pass the list and inform the Divisional Forest Officer of the number of cattle in each village entitled to free grazing. This plan would obviate random estimates based either exclusively on proportion of cattle to tillage acreage or on the returns of plough cattle as given in the Village Forms, which clearly include animals not used for agricultural purposes and unserviceable as well as cattle employed *bonâ fide* for ploughing and drawing water. (G. R. No. 5600, dated 11th August 1890.)

16. The English term 'professional grazier' as used in the grazing rules and Government Resolutions connected with them is quite clear and needs no explanation. The definition given by the Forest Commission, *viz.*, 'all whose primary occupation is the keeping of cattle for profit,' expresses correctly the meaning of the term. (G. R. No. 8382, dated 25th October 1892.)

17. The rules about grazing sanctioned by Government Resolution No. 3595, dated 23rd May 1890, may be gradually introduced with the revision survey in the several tálukas of the Kolába District. This ruling may also be usefully followed in all other districts to which the rules apply. (G. Rs. Nos. 6381, dated 9th September 1890, and 4142, dated 17th June 1891.)

18. In imposing regulations which affect large numbers of persons and extensive areas of land it is inevitable that they will vary in effect according to the difference in local circumstances. It was, however, not intended that the grazing rules prescribed in Government Resolution No. 3595, dated 23rd May 1890, should be so unalterably rigid as to permit of no elasticity in the working of them. What Government expect of their officers is the acceptance of the orders and the application of the rules as time and circumstances admit. The Governor in Council is always prepared to give attention to the representations made by officers as concerns details, but as regards principles he must require the acceptance of those deliberately laid down by Government.

With reference to the difficulty experienced by some officers in deciding what the term "outside cattle" signifies, it would seem sufficient to define them as being cattle not comprised under the heads (1), (2) and (3) in Rule XI. The fees to be levied on 'outside cattle' will, as directed in Rule XV, be fixed by the Forest Department officers.

Government are now prepared to authorize the grant generally of the concession in respect of allowing free grazing to milch cattle, the *bonâ fide* property of agriculturists resident in forest villages, and kept by them to supply milk for their consumption, given in the case of the Thána District by Resolution No. 5316, dated 29th July 1890. (G. R. No. 8665, dated 5th December 1890.)

19. The same fees should be charged for the grazing of the Bombay Pinjrápole cattle in the Thána forests as for cultivators' cattle of non-forest villages. (G. R. No. 842, dated 31st January 1891.)

20. The Commissioners of Divisions are authorized to relax the revised grazing rules (sanctioned by Government Resolution No. 3595, dated 23rd May 1890) as regards the rates of grazing fees therein laid down if in any case they should find the rates higher than the people can well afford to pay. (G. C. No. 1050, dated 9th February 1891.)

Note.—The Commissioners of Divisions are authorized to exercise the same discretion in respect of all fees for forest produce leviable under special privilege rules sanctioned by Government which they use under the authority vested in them by the above order. (G. R. No. 2259, dated 28th March 1893.)

21. As it is understood that some doubts have arisen as to the category in which cultivators' cattle of non-forest villages should be placed under the

revised grazing rules of 23rd May 1890, the Commissioners are informed that it is the intention of Government that they should be included in the class mentioned in Rule XI (2), *viz.* 'other village cattle belonging to cultivators,' and that grazing fees in respect of such cattle should be levied accordingly. (G. C. No. 1059, dated 9th February 1891.)

22. It is the wish of the Government of India and of this Government that there should be as little official interference as possible with the management of the pasture areas. Now the majority of officers consulted are in favour of the Kánara system of levying an uniform fee, and it is reported that, except in the Poona District and in the Peint Táluka and apparently also in the privileged villages of Khándesh, the people are not averse to it. Mr. Cumine prefers voluntary arrangements with the villagers as a body, and this system is admissible under the existing rules. It appears to the Governor in Council that in practice these two systems will work almost uniformly, for on the one hand the lump sum must be fixed with reference to the number of cattle in the village and on the other it may be assumed that every owner will be willing to pay an exceedingly small fee for the grazing regularly or occasionally of each of his animals, and it will be to the interest of the body of villagers to prevent grazing for which payment is not made. Accordingly the system of an uniform fee should be generally introduced, but in any case in which the villagers prefer to pay a lump sum proportionate to the fees which would be due for all the cattle, and to distribute the liability amongst themselves, that course should be allowed. The fee should be 2 annas per head for all animals of agriculturists of forest villages, 4 annas per head for all animals of agriculturists of non-forest villages and Re. 1 per head for all cattle of professional graziers. The amount of revenue derived from this source is of comparatively small importance, but it is essential that the right of Government to charge for the use of the pasture areas should be exercised and maintained. It is true that animals of one class eat more than those of another and are more destructive of the grass, but the same statement holds good with regard to the old and young animals of any class, and it is not possible to charge fees in strict proportion to the benefit obtained. If the people of any villages refuse to accept either of the systems above described, maintaining a claim to free grazing for their agricultural cattle, the existing rules should be rigidly enforced, care being taken that the exemption is confined to agricultural cattle. It is most probable, however, that if the advantages and in particular the freedom from interference which are gained from the adoption of a system of lump payment or uniform fee are explained, refusal will not be maintained.

23. The following rules have been prescribed for the regulation of grazing in the Panch Mahâls :—

I.—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

II.—Grazing will be permitted in the *unclosed portion*, which will be open both to cattle allowed free grazing and to other cattle in respect of which payment has to be made for grazing. The closed portions will not exceed on the whole more than one-third of the total area.

III.—Villages which have contributed land to the formation of a forest block are to be allowed free grazing in the open forest block *for all their agricultural cattle.*

IV.—Villages which have contributed no land to forests will pay fees for all their cattle admitted into the forests to graze.

V.—The term "agricultural cattle" shall be held to comprise—

(*a*) Cattle used for purposes of cultivation in the village, for ploughing or for drawing water for irrigating garden land.

(*b*) Milch cattle the property of cultivators.

(*c*) Two head kept by cultivators to provide manure.

VI.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could under the privilege accorded claim free grazing.

VII.—The fees leviable *on agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule III, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted upon free permits into the open portion of the forest block.

VIII.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can properly feed without injury to—

(*a*) the cattle;

(*b*) the pasturage;

(*c*) the forest itself.

IX.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block, and from time to time the months

during which the open portions of the block can be closed.

X.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

1. Cattle entitled to free grazing
2. Other village cattle belonging to cultivators
   (*a*) of forest villages,
   (*b*) of non-forest villages.
3. Cattle the property of resident professional graziers and others.
4. Outside cattle.

XI.—The fees to be levied upon village cattle belonging to cultivators shall be :—

	Western Mahals. Annas.	Eastern Mahals. Annas.
For every buffalo ...	3	2
For every cow, ox, horse, mule or donkey ...	2	1
Sucking animals ...	Free	
For every sheep ...	1	1
For every goat ...	2	2

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of one goat to every 50 sheep.

XII.—The village officer shall muster all the village cattle in the village in the early morning, when the Forest Officers in protective charge of blocks, acting under the special or general order of the Divisional Forest Officer, shall require them to do so, for the purpose of comparing the cattle census with the permits issued.

XIII.—Resident professional graziers and other resident non-cultivators shall pay the following grazing fees in all forests :—

For every buffalo	1	Rupee.
For every cow, ox, horse, mule or donkey	8	Annas.
For every sheep	2	„
For every goat	4	„

XIV.—The Forest Officers shall determine the rate of fees to be levied on outside cattle, which shall not be lower than that for resident professional graziers and others.

XV.—Village officers will issue permits, and collect the fees in respect of all cattle belonging to villagers other than professional graziers. These permits shall be printed on yellow paper. They will also issue the permits for free cattle; such permits shall be printed on white paper.

XVI.—Forest Officers will issue permits and collect the fees for resident professional graziers, such permits being printed on green paper. They shall issue permits and collect fees for outside cattle, such permits being printed on red paper.

XVII.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge, and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

Note.—The badge to be worn by the herdsman will be a leathern belt with a brass buckle, which will be provided by the Forest Department.

XVIII.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

XIX.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal or not as to them may seem best.

XX.—The following simple rules shall be printed on the back of each forest permit :—

(*a*) This permit must always be taken by the holder into the forest with his cattle.

(*b*) It must be shown on demand to any Village or Forest Officer.

(*c*) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(*d*) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(*e*) The holder must not allow his cattle or other cattle to trespass into the closed portions of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

XXI.—Village Officers shall prepare a census of all the cattle in their respective villages, distinguishing between agricultural and other cattle. As regards the former, a statement shall be framed showing—

(1) The name of the cultivators.

(2) The aggregate area of his holding or holdings.

(3) The number of plough bullocks or buffaloes used by the cultivator slolely for cultivation in his holding or holdings.

(4) The number of wells or Persian wheels on his lands used for irrigation.

(5) The number of cattle solely employed on these wells or Persian wheels.

XXII.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings. (G. R. No. 3389, dated 16th May 1891.)

24. The Divisional Commissioners and the Collectors of Districts will be responsible for the working of the grazing rules, and they should indent on the Conservators for the number of belts and badges required in the various districts. The wearing of the badge should be compulsory on men or boys in charge of herds, but will be optional with females. (G. R. No. 4142, dated 17th June 1891.)

25. Proposals for the closure of protected forests under Section 29 (*b*) of the Forest Act should be carefully considered by the Revenue Officers, with reference to the requirements of the people concerned, and be invariably supported by a statement of reasons. The Commissioners, in submitting the proposals to Government, should see that full information is given as to what other provision there is to meet the grazing requirements of the village in which the closure is proposed. (G. C. No. 3715, dated 2nd June 1891, and G. R. No. 4699, dated 10th July 1891.)

26. The Collectors of those districts through which the Southern Marátha Railway line passes should take all possible means to prevent cattle being deliberately driven on to the line to graze. (G. R. No. 8601, dated 3rd December 1890.)

27. In exercise of the power conferred by Section 70 of the Indian Forest Act, No. VII of 1878, the Governor in Council is pleased to direct that in lieu of the fines fixed by Section 12 of the Cattle Trespass Act, 1871, there shall be levied in the Thána District, on and after the 1st August 1891, in respect of cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing and impounded under Section 69 of the Indian Forest Act, fines at the following rates, *viz.* :—

For each buffalo	1 Rupee
For each horse, mare, gelding, pony, colt, filly, bull, bullock, cow or heifer	8 Annas.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	4 „

(G. N. No. 4381, dated 18th July 1891.)

D.—Kánara Permit Rules.

1. The following are the rules for the grant of permits to cut timber, bamboos, &c., in the Kánara Collectorate :—

It is the desire of the Government of Bombay that, in future, supplies of timber should be cut by the officers of the Forest Department, and collected in convenient depôts, where it will from time

to time be sold by public auction under the rules that may be in force. In this way, people will be able to procure timber at the sales, but it is necessary to make provision, so that the rayats of the zilla may have the means of getting wood, bamboos, &c., which they may require for their own wants, and not for purposes of trade. The following rules regarding permits to cut wood, &c., on Government land are, therefore, published :—

I.—The rayats may, in accordance with customary usage, cut and collect in the Government forest of their own villages when, not specially reserved for the growth of timber or other conservancy purposes, the following sorts of forest produce :—

1 Bamboos of sorts and canes.

2 Junglewood for small houses, huts, chuppers, cattle-sheds, &c.

3 Dry wood for fuel.

4 Leaves and grass for manure, &c.

5 Thorns and brushwood and stakes for hedges and dams.

6 Wood for agricultural implements.

7 Dead sago and other palm trees for watercourses, &c., excepting always squared timber for houses of a superior description, planks for solid wheels of carts, wood for rice-grinding mills or the rollers of sugar mills and any other descriptions, that may from time to time be prohibited. They must not trade with the wood, &c., so cut, and must not cut or destroy any trees of the kind excepted under Section 5. The Pátil and Kulkarni will be responsible that this rule is not abused. In the case of villages within the boundary of which there is no jungle, an adjacent tract beyond the boundary will be set apart for the use of the villagers (this they must take great care of, as they will not get any more when this is exhausted), who must, however, before resorting to it, produce before the Pátil, or other officer in charge of it, a permit from their own village officer.

II.—Except in such villages as the Collector, acting in concurrence with the Conservator of Forests, may exclude from the operation of this rule, owners and cultivators of land are permitted to clear away all small brushwood and thick low jungle within 50 feet of the boundaries of their cultivated land so as to secure their cattle from the depredations of wild animals, and they may use the brushwood and small wood cut for their own purposes, but this provision does not extend to any trees of the nature specified in Rule 5.

III.—Except as provided for in the above two sections, no one is to cut wood of any description in any Government land in Kánara without a permit in writing from the Mámlatdár or Mahál-

khri of the district, and any one found cutting wood &c., without such permit will be liable to be prosecuted according to law.

IV.—Persons requiring permits should apply to the Mámlatdár or Mahálkari of the district, stating the quantity and the description of the wood, the purpose for which it is required, and the number of trees required, and depositing the fees according to the rates which may be in force. A form of permit to cut is annexed.* (A).

V.—Permits for cutting the trees noted in the margin shall not be given without the special sanction of the Collector, and for cutting these, special rates will be imposed, and from time to time, as found necessary, fixed by the Collector in communication with the Conservator of Forests.

1. Teak.
2. Sandal.
3. Blackwood.
4. Ebony.
5. Honay.
6. Sirpony.
7. Mattee.
8. Bullaghay.
9. Kurrymootal.
10. Sownee.
11. Jhallanda.

Any others which may from time to time be added.

VI.—Subject to the conditions of Rules XXIV to XXVII and if the fees are less than Rs. 25, and the Mámlatdár or Mahálkari sees no objection to the grant, he may give a permit. If the fees are more than Rs. 25, he should report the case to the Assistant Collector with his opinion. The Assistant Collector may sanction the issue of any permit the fees on which do not exceed Rs. 60, provided that no person shall be permitted to cut more than 50 candies of squared timber within 10 years without the special permission of the Collector. The Collector shall not sanction the issue of any permit in excess of 100 candies without a previous reference to the Revenue Commissioner through the Conservator of Forests. For every grant of more than 50 candies, it shall be competent for the Conservator in communication with the Collector to exact special rates not exceeding twice the ordinary rates in force.

VII.—A register shall be kept of all applications in each village, and no permit shall be granted till the register shall have been examined, and it shall appear that applicant has had no grant within a reasonable period, and that he is *bonâ fide* in want of timber for the purpose indicated.

VIII.—Permits should be granted as soon as possible after the date of application, and should be issued for as short a period as is consistent with the facilities of cutting the timber. The permit should specify the number of trees to be cut, and the village "Phhirka" or jungle in which the wood is to be cut, and due intimation should be given to the Pátil and Kulkarni. The exact trees to be cut will be pointed out to the

* Not printed.

applicant by the forest subordinates deputed for that purpose.

IX.—Permission will not be given, except in emergent cases, to cut timber from the 31st of May to the 31st of October.

X.—No person should continue to cut after the expiry of the time mentioned in his permit, but he should, if necessary, apply for an extension of time.

XI.—The person to whom a permit is granted should report to the Pátil or to the Mámlatdár or Mahálkari, as soon as he has cut, the number of trees specified in the permit and the wood is ready for measurement, and no wood should be taken away from the forest till it has been measured and stamped with the permit mark (S).

XII.—The wood will be measured after being squared, except in the case of bamboos, firewood and poles, and in measuring it, all logs of $\frac{1}{4}$th candy and upwards, and all branches capable of producing logs of that size, will be estimated. If the total quantity is less than that entered in the permit, another tree or trees will be pointed out, or the difference of the fees will be returned to the grantee. If the trees pointed out to the applicant yield a greater quantity of timber than that permitted, the excess will be charged. This measurement or stamping of the timber cut on permit will be done by a fit and responsible subordinate of the Forest Department.

XIII.—When any person has received a permit under Rule 4 he must not use the timber for any other purpose than that assigned in the application for permit, and if he is found so using it, it will be liable to confiscation and after inquiry such case should be reported to the Collector, who will, if he considers it necessary, pass orders for confiscating the wood and for prohibiting that person from ever receiving a permit under these rules.

XIV.—The whole or part of the fees will be remitted in the following cases:—

1st. Works of public utility:

(1) Village chaukis.

(2) Village schools.

(3) Dharmshálas or rest-houses.

(4) Covers, fences, &c., of public wells.

(5) Bridges over nálas and water-courses.

(6) Works of *bonâ fide* public utility when paid for by private contributions or out of Local Funds not particularised above.

2nd. Repairs of village churches, temples, muts, mosques, and grants for religious edifices not the property of individuals, but public as regards whole sections of the community.

3rd. Reconstruction of houses injured or destroyed by fire, flood, or similar calamity if

the houses so injured or destroyed belong to persons paying revenue to Government or their tenants or to lowly paid Government servants. Construction of houses which Government servants may be obliged to erect in consequence of their being stationed at newly established revenue and police stations where there is not sufficient house accommodation.

4th. In cases of distress or poverty not coming under the above heads, the Conservator is authorized to remit the permit fee to the amount of Rs. 15.

(*Note.*—Free grants of wood for idol cars may be considered to fall within this rule: G. R. No. 3401, dated 13th April 1892.)

XV.—The Assistant Collector or Deputy or Assistant Conservator of Forests will have authority to remit the fees up to Rs. 15 in any one case. All cases in which a larger sum is to be remitted, should be reported for the orders of the Collector, or if necessary of the Revenue Commissioner or Government.

XVI.—The number and date of the order for remission should be noted on the back of each free permit and the full value of the fees should be credited to the forest revenue, corresponding debit being made of the sum remitted.

XVII.—The owners or occupants of lands which have not paid revenue to Government from a date anterior to 1st January 1844 may purchase the right of ownership in the timber growing in their fields, on application to the Collector, who in concert with the Forest Officer will fix its value.

XVIII.—All timber passing in or through the Collectorate of Kánara without a pass or rahádáree from some officer authorized to give passes will be liable to detention for enquiry.

XIX.—Mámlatdárs or Mahálkaris or any subordinate Forest Officer having special sanction will give passes (rahádarees) for all timber carts on application and after enquiry.

XX.—When timber, &c., is to be exported beyond the inland frontiers of the zilla above the ghâts, the Mámlatdár or Mahálkari or any subordinate Forest Officer having special sanction will give a pass on *green paper* which must be exchanged at the appointed frontier *nâka* for a similar pass on *white paper*. Passes on *white paper* will not be effective for passing timber at any of the stations in Kánara, but are only of use in other zillas. Forms of these papers are annexed (B and C).*

XXI.—All wood, &c., bought at public sales (revenue, magisterial, civil or forest) is entitled to a pass for export.

* Not printed.

XXII.—Passes for export may also be issued for wood, &c., granted on seignorage and converted to the use for which it was originally granted when it is desired to export it, provided that such wood when sold to outsiders should be charged on export an additional fee of 50 per cent. on the seignorage paid or remitted at the time of cutting.

XXIII.—This additional fee may be reduced or remitted by the Collector or his Assistants or Deputies in cases of wood so exported when it is given for charitable purposes or where the grantee moves his abode to another zilla.

XXIV.—Permits to cut wood in the Government forests will not be granted to any persons who are able without difficulty to supply themselves with the timber or other articles they require from the timber depôts.

XXV.—In the event of any villagers to whom by usage a permit to cut in the Government forests would have been granted being refused a permit on account of the proximity of a timber depôt, such person may at the Collector's discretion be excused from the necessity of purchasing his timber by public auction, and it may be issued to him from the depôts on payment of a price calculated to cover the cost of cutting and carting (including superintendence) and the seignorage fees of the district as may from time to time be fixed: these fees, but not the cost, being remitted in cases coming under Rule XIV.

XXVI.—Permits to cut wood in the Government forests will not be given to cultivators who have many suitable trees other than fruit trees (which are excepted) standing in their own estates.

XXVII.—Whenever it is discovered that large and valuable trees have been cut down without permission in the Government forests, adjoining any village or town, and there is a clear and reasonable presumption that such trees must have been cut with the cognizance of such villagers or town people, and they fail when called upon to supply any information which may lead to the apprehension of the actual depredators, then Section 37 of Regulation XII of 1827, which is printed below, will be put in force:—

"When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the Police establishments with regard to prevention, detection or apprehension, it shall be competent to the Magistrate to investigate the matter as a criminal offence, and if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner according as the degree of caution and activity which he evinced on the occasion may deserve."

Table of seignorage fees to be charged on various kinds of timber cut on permit, referred to in the rule submitted with Kánara Collector's letter to Revenue Commissioner, S. D., No. 3593, dated 18th December 1871.

First Class at Rs. 3 per candy.

1. Phunus.
1. Jemba.
1. Mhusi *alias* Phordgoos.
1. Wante.
1. Nunja *alias* Bokli.
1. Hedeh.
1. Sagdi.
1. Kawanchi.
1. Kulunb.
1. Wild Hoonse.
1. Holi Muttee.
1. Nundi.
1. Sumpigi.
1. Khursing *alias* Guensu.
1. Hongul *alias* Kibul.
1. Dudsul.
1. Dindle.
1. Wo-amb.
1. Deodar.

Second Class at Rs. 1½ per candy.

All trees not reserved or entered in the other two classes.

Third Class at Re. 1 per candy.

1. Wild Amte.
1. Uttee.
1. Banian.
1. Busar.
1. Yarl.
1. Gulee.
1. Arle.
1. Churmul.

(G. Rs. Nos. 1671, dated 8th April 1872, 7874, dated 18th October 1889, and 7461, dated 23rd September 1896.)

2. The term "brushwood" used in the foregoing rules is meant to include bushes, shrubs and all ligneous growths which do not become timber trees. A list of such ligneous growths is appended for the guidance of officers of the Forest and Revenue Departments.

List of shrubs suitable for being included in the term "brushwood."

No.	Description.	No.	Description.
	Brushwood for manure.		*Brushwood for fences and dams*—continued.
1	Karvi.		
2	Mangari.	10	Sonemavu.
3	Gonagal.	11	Kanagal.
4	Bikki.	12	Kasal.
5	Churni or Mullahanu.	13	Kandaswal.
6	Pargi.	14	Nirsalli.
7	Pendari.	15	Niratti.
8	Nelli.	16	Maragowri.
9	Bonageri.	17	Hannageri.
10	Godchi.	18	Kowlu.
11	Kowli.	19	Gooz.
12	Kumsa.	20	Budbenda.
13	Vaivalingi.	21	Honchunagal.
14	Gurgi.	22	Holageri.
15	Sanna Ichal.	23	Ala.
	Brushwood for fences and dams.	24	Basri.
		25	Goli.
1	Haviga.	26	Atti.
2	Salle.	27	Burla.
3	Nurkal.	28	Charmal.
4	Kunnerlu.	29	Kariyadri or Kad Amti.
5	Hannusampigi.	30	Andi.
6	Karikumar.	31	Sasanbhagi.
7	Akkarkal.	32	Kaddhupa.
8	Halivana.	33	Manu.
9	Kadgeri.	34	Gulmavu.

Note.—A few of the above kinds do become trees, but the wood is soft and of no value.

(G. R. No. 525, dated 22nd January 1890.)

(*E*). *Concessions in respect of fruit trees in Kánara.*

1. Notice is hereby given for general information that the following concessions, subject to the conditions hereinafter stated, are made by Government, in respect of the fruit of the following fruit-bearing trees, namely :—

Mango,	Guava,
Jack,	Murgal,
Kaju,	Tamarind,
Karinda,	

which stand in reserved or protected forests, or in Government assessed or unassessed waste lands, in the Kánara District :

Provided that nothing contained in these concessions shall affect the right of Government in the said trees, and that the felling of any such trees is strictly prohibited, except with the written joint permission of the Conservator of Forests and the Collector.

(2). In future all people are permitted to collect and remove the fruit of the above mentioned trees standing in the lands aforesaid, excepting trees the exclusive right to the fruit of which has been permitted in accordance with paragraph 4 of this notice, during the proper season, in reasonable quantities and without payment of any fees. Poor people will be allowed to sell the surplus fruits, over and above what may be required for general use, in towns or villages or in markets, but no person shall be allowed to exercise this privilege so as to carry on a large and extensive trade in the sale of fruits, thereby curtailing the rights and privileges of other persons, and Government reserve the power of restricting the collection and removal of these fruits to the *bonâ fide* requirements and wants of the persons collecting them.

(3). And notice is hereby given that no person collecting and removing fruits shall cut any tree, or lop branches or otherwise injure the trees under the pretext of gathering the fruit, and any person who shall so injure any tree shall be liable to be prosecuted for the offence of mischief.

(4). And notice is also hereby given that any persons who have planted and reared fruit-bearing trees round or near their houses on Government waste land which is not included in their own survey occupancies, if they wish to claim the exclusive right of collecting and removing the fruit of such trees, are required to present their claims before the Mámlatdár within one year from the first day of February 1883, and on such persons proving to satisfaction that the trees were planted and reared by them, they shall be furnished with the written joint permission of the Conservator of Forests and the Collector to gather and remove the fruit of such trees to the exclusion of other persons ; and no claim to the right or privilege to take the fruit of any of the trees specified in the first paragraph of this notice, to the exclusion of

other persons, other than is allowed by such permission, shall be recognized.

(5). In the event of any such claims not being presented within the prescribed period, or, having been presented, not being proved to satisfaction in the manner above mentioned, the fruit of all such trees shall be subject to the concessions and conditions hereinbefore set forth in paragraphs 2 and 3.

(6). Pending the settlement of claims made in accordance with this notice, the concessions and conditions hereinbefore set forth shall not come into operation in respect of the trees affected by such claims, the fruit of which shall be disposed of as heretofore.

(G. R. No. 9145, dated 29th December 1882.)

Note.—By Government Resolution No. 3795, dated 20th October 1866, the right to collect the following forest-produce in Kánara was authorized to be farmed :—Mangoes, guavas, and pepper, but by Government Resolution No. 5768, dated 23rd August 1882, the "ámb jámb" farm was abolished.

(*F*) *Privileges in Khándesh Forests.*

1. The following is the Code of Rules regarding the exercise of privileges in the forests of the South Tápti tálukas of the Khándesh Collectorate :—

I.—The South Tápti tálukas include—

Bhusával (with Edálabad Petha).
Jámner.
Jalgaon.
Erandol.
Amalner (with Párola Petha).
Páchora (with Bhádgaon Petha).
Chálisgaon.
Dhulia.
Sindkheda.
Nandurbár (with the exception of the Deonogra Reserve and the Navápur Petha).
Pimpalner (with the exception of the village of Umarpata).

II.—A forest village is a village which has contributed land to forest.

III.—An inhabitant of a forest village is a person permanently resident in a forest village.

IV.—The inhabitants of other than forest villages have no forest privileges.

V.—The privileges may be exercised by the inhabitants of a forest village throughout the unclosed portions of the block to which their village has contributed, but not in other blocks.

VI.—Forest products, which under Rule VII are allowed to be taken by inhabitants of forest villages for their own use only, may be taken by them for such use from the forest, only to the forest villages in which they are permanently resident. If they change their residence from one forest village to another forest village, they may take forest products acquired under these rules with them.

VII.—Inhabitants of forest villages may, free of charge in the unclosed portions of the forest,—

(*a*) Cut and remove grass, including Baru, for their own use, sale or barter.

Exception.—This privilege may not be exercised in those portions of forests which are "Mámul Kurans" and in which the grass is annually sold by auction.

Government Resolution No. 7467 of 15th September 1885.

Note I.—This privilege may also be exercised in such portion of the closed area as can, in the opinion of the Divisional Forest Officer, be safely opened for grass-cutting only.

Note II.—Rosha grass, when cut under this rule, must be sold to the person who has farmed the right to make Rosha oil in the range in which the Rosha grass is cut; it may not be disposed of in any other way.

Note III.—The grass cut by the Forest Department in the unopened part of the closed area is to be given free of charge to the villagers of any forest village of the block in which it has been cut if required by the Collector.

(*b*) Collect dead wood (branches, not trunks) of all kinds except teak, tiwas and khair for their own use, but not for sale or barter.

(*c*) Collect mhowra (fruits and flowers), honey, wax, gum and all jungle fruits except hirdas for their own use or for sale or barter.

(*d*) Take or quarry Khári earth, stone and similar material for their own use only in places assigned by the Forest Officers.

(*e*) Gather teak-leaves from side branches of trees outside forest boundaries or felled in forest in the course of departmental felling operations.

VIII.—The Collector may suspend, until further orders, the exercise of any of the foregoing privileges on his being satisfied that it is being abused, or that an offence under Section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of Government regarding the term of the suspension or the permanent withdrawal of the privileges abused.

IX.—Wood required for ploughs or houses and firewood shall, subject to the capability of the forest to furnish such wood and to the working of the working plan, be supplied by the Forest Department on application, at rates to be fixed by the Forest Department with the approval of the Commissioner, to inhabitants of forest villages from the block to which such villages contribute; or if the Forest Department is unable to meet the application from its own fellings, the applicant may, at the discretion of the Divisional Forest Officer under the orders of the Collector, be granted, on payment of fees at a scale to be fixed by

the Forest Department with the sanction of the Commissioner, a permit to cut under the supervision of the Forest Officers specified quantities of specified trees in specified places for his own use only for the purpose named in the permit.

X.—Under Section 78 of the Forest Act all persons enjoying privileges in forest are bound—

(*a*) to give information respecting the commission of any forest offence,

(*b*) to assist Government officers in extinguishing forest fires and in preventing theft, mischief and other forest offences, and in discovering and arresting offenders.

(G. R. No. 5019, dated 18th July 1890.)

2. The following is the Code of Rules regarding the exercise of privileges in the forests of the North Tápti tálukas of the Khándesh Collectorate :

I.—The North Tápti tálukas include :

Taloda.
Sháhádá.
Chopdá.
Shirpur.
Sávdá (with the Yával and Ráver Pethas).
Navápur Petha of the Nandurbár Táluka.
Deomogra Reserve in the Nandurbár Táluka.
The village of Umarpata in the Pimpalner Táluka.

II.—A forest village is a village which has contributed land to forest.

III.—An inhabitant of a forest village is a person permanently resident in a forest village.

IV.—The inhabitants of other than forest villages have no forest privileges.

Exception.—Privilege No. IX (*e*) may be exercised by all Bhils and other wild tribes resident in the táluka in which the forest block is situated.

V.—The privileges may be exercised by the inhabitants of a forest village throughout the unclosed portions of the block to which their village has contributed, but not in other blocks.

VI.—Forest products, which under Rules VIII and IX are allowed to be taken by inhabitants of forest villages for their own use only, may be taken by them for such use from the forest only to the forest villages in which they are permanently resident. If they change their residence from one forest village to another forest village, they may take forest products acquired under these rules with them.

VII.—Goats will not be permitted to graze in the forests without the express permission of the Conservator of Forests.

VIII.—The inhabitants of forest villages may, free of charge, in the unclosed portions of the forests—

(*a*) graze all cattle *bonâ fide* their own property ;

Exception.—This privilege does not extend to professional graziers.

(*b*) cut and remove grass, including Baru, for their own use, sale or barter;

Note I.—This privilege may also be exercised in such portion of the closed area as can, in the opinion of the Divisional Forest Officer, be safely opened for grass-cutting only.

Note II.—Rosha grass when cut under this rule must be sold to the person who has farmed the right to make Rosha oil in the range in which the Rosha grass is cut; it may not be disposed of in any other way.

(*c*) collect dead wood of all kinds except teak, tiwas, and khair for their own use, but not for sale or barter;

(*d*) take or quarry Khári earth, stone and similar material for their own use only in places assigned by the Forest Officers;

(*e*) take teak leaves for their own use;

(*f*) cut thorns and brushwood for their own use with the previous permission of the Divisional Forest Officer at the places and of the kinds pointed out by the Divisional Forest Officer.

IX.—In addition to the privileges granted in Rule VIII, Bhils and other wild tribes are granted the following privileges:—

(*a*).—Collect for sale or barter dead wood of any but the three reserved kinds on payment of the same fees as have hitherto been levied, namely, not exceeding Rs. 2 per cart-load and annas 2 per head-load.

1. Teak.	9. Dhávda.	17. Kalamb.
2. Blackwood.	10. Nimb.	18. Haldwan.
3. Ain.	11. Awal.	19. Tembru.
4. Chinch.	12. Mango.	20. Bor.
5. Bábul.	13. Chárali.	21. Koshimb.
6. Khair.	14. Mowra.	22. Shiwan.
7. Tiwas.	15. Jámbhul.	
8. Hirda.	16. Anjan.	

(*b*).—Cut live wood of any but the 22 reserved kinds free of charge for their own use.

(*c*).—Cut live wood of any but the 22 reserved kinds for sale or barter on payment of the following fees:—

	Rs.	a.	p.
Each cart-load not exceeding ...	1	0	0
Each head-load not exceeding ...	0	1	0
Bambus over five inches girth measured at the base, per 100 .	*1	8	0
Bambus of five inches and under girth measured at the base, per 100	*0	12	0

Smaller quantities at proportional fees

* *Vide* G. R. No. 2259, dated 28th March 1893.

Note.—The scale of fees for bambus in the Akráni Pargana is 4 annas per 100 bambus 5 inches and under in girth, and 8 annas for larger size.

(*d*).—Cut free of charge—

(1) Bambus for their own use or for their own manufacture;

(2) in the Akráni Pargana "ain" and "dhávda" for their own use under the supervision of the Forest Officers.

(*e*).—Collect honey, wax, gum, mowra (flowers and fruits) and other minor produce except hirdas free of charge for their own use or for sale or barter.

Note.—Rosha grass when cut under this rule must be sold to the person who has farmed the right to make rosha oil in the range in which the rosha grass is cut; it may not be disposed of in any other way.

X.—The Collector may suspend until further orders the exercise of any privilege on his being satisfied that it is being abused or that an offence under Section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of Government regarding the term of suspension or the permanent withdrawal of the privilege abused.

XI.—Under Section 78 of the Forest Act all persons enjoying privileges in forest are bound—

(*a*) to give information respecting the commission of any forest offence;

(*b*) to assist Government officers in extinguishing forest fires and in preventing theft, mischief and other forest offences, and in discovering and arresting offenders.

(G. R. No. 5019, dated 18th July 1890.)

Note.—By Government Resolutions Nos. 5450, dated 2nd July 1892, and 2761, dated 19th April 1893, the privileges under the North Tápti Code were allowed to the inhabitants of the Bhil settlements inside and of certain villages bordering on the Akráni Narbada Reserve.

By Government Resolutions Nos. 2259, dated 28th March 1893, and 2761, dated 19th April 1893, the privileges mentioned in Rule VIII (*b*) and (*e*) were extended to the Bhils and Pawras of the Akráni Pargana.

3. The following rules regulate the exercise of certain rights granted to certain Bhils over the reserved forests of the Sávda, Chopda and Shirpur tálukas:—

SA'VDA TA'LUKA ... } *Right to cut wood.*
CHOPDA TA'LUKA . }

(1). The persons specified in the register mentioned in Rule 6 below, and members of their households shall be entitled, subject to the limitations there stated against their names, to cut for all purposes all but the 9 kinds of trees noted below:—

Teak, blackwood, anjan, khair, tiwas, bibul, mhowra, chároli, mango.

(2). Such right shall be exercised in all parts of the reserved forest (as constituted prior to 1883), except—

(*a*) in such areas as may be closed by the Collector after consultation with the Divisional Forest Officer,

(*b*) in the months of March, April, May.

(3). Every right-holder shall be supplied by the Forest Department with a ticket bearing a serial number and showing his name and the nature of the right to which he is entitled.

(4). Before going into forest with a view to cutting trees in the exercise of his right, a right-holder shall apply to a Forest Depôt Officer for a permit, which the latter shall be bound to supply to him on payment of such fees as may be settled by the Collector after consultation with the Divisional Forest Officer.

[*Note.*—The fees to be enforced for the present shall not exceed those now in force for the general public.]

(5). The transit of all timber obtained under these rules shall be regulated by the rules under Section 41 of the Forest Act.

(6). A register shall be kept by the Divisional Forest Officer showing the names of all persons entitled to cut timber or to the enjoyment of other rights under these rules; such register shall be corrected up to date at least once in every twelve months.

(*Note.*—The head of each resident household directly descended from an original grantee, person or family, must be entered in the register. It is not necessary to enter every member of every such household or persons descended from relatives of original grantees but not from original grantees themselves. No attempt should be made to limit heirship to lineal male descendants or any other particular class.)

CHOPDA TÁLUKA.—*Right to gather mhowra.*

(7). The persons specified in the register mentioned in Rule 6 shall be entitled to gather mhowra blossom and mhowra flower for all purposes, free of charge, *subject to Rules 2 (a) and 3.*

SHIRPUR TÁLUKA.—*Right to collect firewood.*

(8). The persons specified in the register mentioned in Rule 6 shall be entitled to collect, for firewood for their own use only, dead wood of all kinds except teak, tiwas and khair, free of charge, *subject to Rules 2 (a)–3 and 4.*

SHIRPUR TÁLUKA.—*Right to building materials.*

(9). The persons specified in the register mentioned in Rule 6 shall be entitled to cut free of charge all trees, except the following 9 kinds, for the purpose of building huts for their own use:—

Teak, blackwood, sanjan, khair, tiwas, bábul, mhowra, chiroli, mango, *subject to Rules 2 (a), 3 and 4.*

(10). Any person wishing to exercise this right shall apply to the Range Forest Officer, stating the nature and quantity of the wood required; the latter, after satisfying himself that the wood is required for the applicant's own use and for the object stated, shall grant him the necessary permission to cut the wood.

SHIRPUR TÁLUKA.—*Right to minor jungle produce.*

(11). The persons specified in the register mentioned in Rule 6 shall be entitled to gather, free of charge, for all purposes such of the following articles of jungle produce as may be shown against their names in the said register :—

Honey, wax, gum, lac, temru fruit, safed musali, mhowra flowers, mango and tamarind, *subject to Rules 2 (a) and 3.*

SHIRPUR TÁLUKA.—*Right to free-grazing.*

(12). The persons specified in the register mentioned in Rule 6 shall be entitled to graze, free of charge, the number of cattle shown against their names in the register, *subject to Rules 2 (a) and 3.*

(13). The Collector may suspend for a period not exceeding 12 months the exercise of any right on his being satisfied that it is being abused or that it leads to an offence under Section 78 of the Indian Forest Act being committed.

(14). The tickets issued under Rule 3 shall be non-transferable. Any right-holder, fraudulently transferring his ticket to another person, shall be liable to be dealt with under Rule 13.

[*N.B.*—The rights to be exercised under these rules must be held to exist only in the forest lands with which Messrs. Pollen and Woodburn actually dealt.]

(G. R. No. 2042, dated 18th March 1893.)

(*G*).—*General.*

1. It is impossible to lay down a rule which shall be universally applicable; but it must be understood that no one should be prohibited from drawing water obtainable in a forest reserve in cases where it is not procurable elsewhere, within a reasonable distance. (G. R. No. 4345, dated 23rd November 1866.)

2. A Commissioner having stated that he had derived from a perusal of the debate on the Forest Act the impression that interference with existing privileges was not contemplated by the Legislature pending the definition of rights by formal inquiry, Government observed that it was not intended that any existing rights should be abridged pending formal enquiry, but that it certainly was not intended that pending enquiry any practice which might be asserted to be a right should be exercised without restriction. If such a theory were pushed to an extreme, any abuses might be maintained until they should be proved not to be rights. Although Government have no wish to punish as criminal acts contraventions of orders which may possibly not yet be fully understood, yet Government are clearly justified in putting a stop to any practices which have been recognized only as permissive privileges, in so far as they are injurious to the public interests. (G. R. No. 8505, dated 28th October 1884.)

3. The Governor in Council has always been careful, while formally conceding liberal privileges on the completion of a forest settlement to communities which are reported to have enjoyed them, though as a matter of favour and not of right, for many years past, to make it clearly understood that such privileges are intended to be exercised as of favour only and are subject to withdrawal at any time. (G. R. No. 2232, dated 12th April 1883.)

4. Privileges which are exercised as of favour should be defined in terms as exact and precise as possible, as is done with rights recorded in a forest settlement, and, wherever possible, a definite term should be fixed for their enjoyment. (G. I., R. & A., No. 652-F., dated 19th June 1888; *vide* G. R. No. 5016, dated 27th July 1888.)

5. With a view to guarding against privileges growing into rights it is desirable to secure the distinction between privileges and rights by fixing some definite period at the end of which the question should be again considered of the continuance of the privileges for a further period. (G. I., R. & A., No. 509-F, dated 7th June 1889; *vide* G. R. No. 4619, dated 3rd July 1890.)

6. The question of granting forest produce free, or on specially favourable terms, is a matter for consideration quite independently of the assessment of the Land Revenue, which should under no circumstances be enhanced at the expense of forest produce, the property of the State, granted free. The principle to be kept in mind in dealing with the requirements of the people is that a fair price is to be charged for all forest produce, including that consumed in rab cultivation, which may be supplied in excess of the quantity to which the people may be legally entitled by virtue of admitted rights. (G. I., R. & A., No. 411-F., dated 23rd May 1890; *vide* G. R. No. 4619, dated 3rd July 1890.)

Privileges as to forest produce and pasture and use of natural agents, not being at the time of concession or recognition by Government a part of the property or legally annexed as of right to the property of those to whom the concession or recognition may have been made, are to be deemed for all time indulgences or licenses revocable at pleasure by Government, which has no intention when permitting advantages to be enjoyed or benefits taken by means of forest privileges so allowed by it to abandon any part of its proprietary rights or any of the incidents thereof or benefits connected therewith.

It should be clearly understood that all forest privileges sanctioned by Government are liable at any time at the pleasure of Government to modification, curtailment or discontinuance, and that the exercise of such privileges is subject to revision whenever Government may consider such a course necessary. Ordinarily such revision will be made at the revision of the survey settlement, unless cause appears

to the contrary, but should Government deem a revision at any intermediate period or at decennial intervals to be rendered requisite by special circumstances, a revision will be effected at such period or interval. Where a revision of privileges previously accorded is held to be desirable either at a revision survey settlement or at any time other than that of the revision survey settlement, a full report showing why such revision is regarded as advisable and what changes are proposed should be furnished to Government by the Local Land Revenue and Forest Department Officers through the Conservator of the Circle and the Commissioner of the Division. (G. R. No. 4619, dated 3rd July 1890.)

7. As to the supply of wood, any favour as to price enjoyed by any class should not be abruptly cancelled without careful consideration and reference to Government. (G. R. No. 2952, dated 7th April 1884.)

8. The proposal that the cutting and removal by hand of grass from closed forest areas should be permitted, seems reasonable to Government on the grounds that the saplings might be choked by the rank growth of grass, which, if set fire to, would destroy much valuable wood. It would be well if the rayats could be induced to take away such grass for ráb, fodder or provender. This is a matter which the Commissioners should settle according to their own discretion. Care should, however, be taken, in case such a concession is made, to secure the intervention of the Forest Officers if the people abuse the privilege of grass cutting so as to injure the young wood. (G. R. No. 1631, dated 3rd March 1891.)

9. The Commissioners are authorized to relax the rates of fees for forest produce leviable under special privilege rules sanctioned by Government if in any case they should find the rates higher than the people can well afford to pay. (G. R. No. 2259, dated 28th March 1893.)